

Meeting of 2011-6-14 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JUNE 14, 2011 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Fred L. Fitch Also Present:
Presiding Larry Mitchell, City Manager
 Frank V. Jensen, City Attorney
 Traci Hushbeck, City Clerk
COL Paul Hossenlopp, Fort Sill Liaison

Mayor Fitch called the meeting to order at 6:12 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Don Howard, Holy Cross Lutheran Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bill Shoemate, Ward One
Michael Tennis, Ward Two
Rosemary Bellino-Hall, Ward Three
Jay Burk, Ward Four
Rex Givens, Ward Five
Richard Zarle, Ward Six
Stanley Haywood, Ward Seven
 Doug Wells, Ward Eight

ABSENT: None

Mayor Fitch presented a proclamation to John Jones and Peggy Foster proclaiming June as National Homeownership Month.

Mayor Fitch introduced COL Paul Hossenlopp, the new Fort Sill Liaison.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF MAY 10, 2011.

MOVED by Burk, SECOND by Wells to approve the minutes of the Lawton City Council regular meeting of May 10, 2011. AYE: Wells, Shoemate, Tennis, Bellino-Hall, Burk, Givens, Zarle, Haywood. NAY: None. MOTION CARRIED.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

Jensen requested item #21 and Wells requested items #16 and #30 be considered separately.

MOVED by Burk, SECOND by Tennis to approve the consent agenda with the exception of item #16, #21 and #30. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Givens, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Jason and Moon Roller in the amount of \$200.00 and Sandra Tatum, DBA S. Kay Enterprises Inc., in the amount of \$1,997.40. Exhibits: Legal Opinions/Recommendations and **Resolution No. 11-35**.

2. Consider renewing the professional services agreement with James C. Ferguson of Walker, Ferguson and Ferguson for the defense of Workers' Compensation claims. Exhibits: Retainer Agreement for Professional & Legal Services on file in the City Clerks Office.

3. Consider renewing the Retainer Agreement for Legal Services between the City of Lawton and Clay R. Hillis, to provide professional and legal services to the City of Lawton in case styled Duane Green vs. City of Lawton, Case No. CIV-10-991-L, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Retainer

Agreement for Professional & Legal Services on file in City Clerk s Office.

4. Consider renewing the Retainer Agreement for Professional Services with Granville D. Long, to provide professional investigative services to the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement is on file in the City Clerk s Office.

5. Consider approval of the Retainer Agreement for Legal Services between the City of Lawton and McAfee & Taft and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Retainer Agreement for Professional & Legal Services on file in City Clerk s Office.

6. Consider approving an Agreement effective July 1, 2011 through June 30, 2012 between the State of Oklahoma Office of Juvenile Affairs and the City of Lawton for the continued operation and management of a Community Intervention Center in Lawton, and authorize execution of the Agreement and an Affidavit of Assignment authorizing payment directly from the State to Marie Detty as the CIC subcontractor. Exhibits: Renewal Agreement and Affidavit of Assignment on file in City Clerk s Office.

7. Consider accepting an agreement letter for financial advisement and consulting services with the firm of Wells Nelson & Associates, LLC, and provide guidance to staff as appropriate. Exhibits: Agreement Letter with Wells Nelson & Associates, LLC.

8. Consider accepting an engagement letter for technical accounting and consulting services with the firm of Crawford & Associates, P.C., and provide guidance to staff as appropriate. Exhibits: Engagement Letter with Crawford & Associates, P.C.

9. Consider accepting a grant of \$8,500 from the Oklahoma Humanities Council to support the 2011 Oklahoma Chautauqua program. Exhibits: The Oklahoma Humanities Council grant agreement is on file in the City Clerk s Office.

10. Consider approving the sale of used surplus Fire Department couches/chairs to Marie Detty Youth & Family Service Center Inc. of Lawton, Oklahoma. Exhibits: None.

11. Consider approval of Mutual Aid Agreement with the Lawton-Ft Sill Regional Airport to coordinate activities in advance of disaster or emergency conditions. Exhibits: Mutual Aid Agreement.

12. Consider approving a Resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, pertaining to Chapter 7, Business, establishing an annual license fee for Indoor Shooting Ranges. Exhibits: **Resolution No. 11-36.**

13. Consider approving a Resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, pertaining to Chapter 7, Business, removing the bond requirement reference. Exhibits: **Resolution No. 11-37.**

14. Consider approving a Resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, pertaining to Chapter 7, Business, increasing the annual license fee for Secondhand Dealers. Exhibits: **Resolution No. 11-38.**

15. Consider approving a Memorandum of Agreement between the Comanche County Health Department and the City of Lawton for public health services and authorize the Mayor and City Clerk to execute the document. Exhibits: Memorandum of Agreement.

16. Consider adopting a resolution to execute the Project Agreement for Federal-Aid Project Number STP-116E(183)EH, State Job Piece Number 26900(04) between the City of Lawton and the Oklahoma Department of Transportation for Phase IV of the 2nd Street Enhancement Project, consisting of a streetscape enhancement project for 2nd Street from south of Gore Boulevard to SW C Avenue, and authorize the Mayor and City Clerk to execute the Project Agreement. Exhibits: Resolution No. 11-__, Letter from ODOT, Phase IV Estimated Cost and Location Map.

Wells questioned why we were doing this half of the street before we finish up the other.

Richard Rogalski, Planning Director, stated this item is to just solidify the grant with ODOT. They applied for the grant to do this phase back in 2008 and they actually applied for the north half and the south half. They had the north half as priority one and the south half as priority two, but they gave them priority two instead of priority one.

Wells questioned if we could request they fund the north half.

Rogalski stated they will only give us the grant for that portion.

Wells stated he did not believe there was funding in the 2005 CIP for this project.

Mitchell stated the commentary should say the 2008 CIP, not the 2005 CIP.

MOVED by Wells, SECOND by Haywood to adopt **Resolution 11-39** to execute the Project Agreement for Federal-Aid Project Number STP-116E(183)EH, State Job Piece Number 26900(04) between the City of Lawton and the ODOT for Phase IV of the 2nd Street Enhancement Project AYE: Tennis, Bellino-Hall, Burk, Givens, Zarle, Haywood, Wells, Shoemate. NAY: None. MOTION CARRIED.

17. Consider approving the record plat for Sungate Commercial Addition. Exhibits: Plat Map.

18. Consider approving the Replat of Lots 2 and 3, Block 1, Arvest Plaza. Exhibits: Plat Map.

19. Consider approving the construction plans for an 8-inch sanitary sewer line to serve EZ Go #19 located at SW 52nd Street and Lee Boulevard. Exhibits: Location Map.

20. Consider setting the date of July 26, 2011, to hold a public hearing and consider an ordinance closing Hoover Street between NE Dearborn and NE Columbia Avenue, NE Columbia Avenue between Hoover Street and Albert Johnson Sr. Drive, and the alley in Block 8, Vernon Addition. Exhibits: Location Map and Application.

21. Consider authorizing the Mayor to enter into an agreement with the Utility Service Partners, Inc. to grant the company a one year non-exclusive right to use the City's name and logo to be used for the purpose of marketing a private water and wastewater private service line repair warranty program. Exhibits: Agreement is on file in the City Clerk's Office.

Bryan Long, Assistant City Manager, stated Bryan Davis, BDA Consulting is in attendance and will answer any questions regarding this program. He stated one of the programs highlighted at the NLC Conference last year was the NLC water service line warranty program.

Wells stated he asked this to be looked at because it is a very reasonably priced program for residents to pay \$4 or \$5 a month. It provides for up to \$3,000 or \$4,000 for repairs. This is no cost to the city, only what the resident's pay.

Wells questioned if there was a minimum number that had to participate.

Bryan Davis, BDA Consulting, stated there is no limitation for the number of homes that sign up. He stated they will build a network of Lawton based plumbing contractors, so they will use local businesses.

Haywood questioned if the bill was \$35,000, would they pay that?

Mr. Davis stated there is a cap of \$4,000 per repair for the sewer line and \$4,000 for the water line. A typical repair is between \$500 and \$3,000. On the water side there is an additional \$500 if the sidewalk has to be chopped up and on the sewer side there is an additional \$4,000 coverage if the street has to be broken up. He stated the residents pay \$5.50 for sewer and \$4.50 for water per month. He stated the next campaign is in September and you can do water or sewer. They will follow up in March and offer the other one.

Wells stated for about \$10 per month this is fairly cheap coverage for people.

Mr. Davis stated the typical program provides the city with 10% royalty for everyone that signs up but Lawton has agreed to waive that in lieu of lowering the cost to the homeowner by 10% each month.

Zarle questioned if there was a cap on this per year for payout?

Mr. Davis stated no.

Wells stated you can have three or four incidents with a cap of \$4,000 per incident.

Mayor Fitch questioned if you had to be on the program for a specific time before you can file a claim.

Mr. Davis stated no and the homeowner or the City can cancel at any time.

Bellino-Hall stated this agreement will give them permission to use the city logo. She questioned if there was a separate contract between this company and the homeowner.

Mr. Davis stated yes. He stated the City of Phoenix will be sending out a letter to residents informing them of the program and then the resident will call in to sign up for the program. He stated as soon as they hang up from the representative they are covered.

Bellino-Hall questioned if there was any liability from the City with them using the logo.

Jensen stated as long as we do a proper job in screening their letter. He stated all we are doing is lending our name to market and in exchange we will get a 10% discount for the citizens. He stated this is not an insurance program, it will not cover things like a sewer back up. This is an extended warranty program that covers things like normal wear and tear.

Mr. Davis stated it would cover a sewer back up but not cover damage inside the home. This covers anything from the point of connection to the house to the point of connection to the city main.

Burk stated they heard about this program while attending the NLC conference. He stated there are so many cities signing up for this program. It is a wonderful program to offer those citizens who live in older neighborhoods.

Wells stated he likes the fact they use local companies.

Mr. Davis stated that although they have to have a pre-existing clause, they have never, since the company began in 2003, gone on site and done an inspection to see if they had a pre-existing condition.

Mitchell stated we also have a program, through NLC, for prescription drugs which provides a drug card for people who are not covered or who do not have insurance that covers pharmaceuticals.

Burk questioned if they will track the numbers so that they can see how many people have been helped.

Mr. Davis stated yes. He stated the council can request that information at any time.

MOVED by Wells, SECOND by Haywood to authorize the Mayor to enter into an agreement with the Utility Service Partners, Inc. AYE: Bellino-Hall, Burk, Givens, Zarle, Haywood, Wells, Shoemate, Tennis. NAY: None. MOTION CARRIED.

22. Consider approving Change Order No. 2 assessing liquidated damages, adjusting the contract time for weather days & utility delay days, establishing new line items and accepting the 2008 CIP Waterline Replacement Phase 3 project #2010-1 as constructed by Luckinbill Inc. and placing the Maintenance Bond into effect. Exhibits: None.

23. Consider ratifying the action of the City Engineer and approving Change Order #1 for the Gore Boulevard Overlay Project #2010-8 with T&G Construction, Inc. Exhibits: None.

24. Consider adopting a Resolution authorizing the installation of traffic control measures on: westbound NW Pollard Avenue at the intersection of NW 20th Street; northbound and southbound SW 65th Street at the intersection of SW Brookline Avenue; eastbound SW Belmont Avenue east of SW 6th Street; westbound NW Cache Road west of the intersection of NW 82nd Street and NW Cache Road; and northbound and southbound NW Pershing Drive at the 5-legged intersection of NW Pershing Drive, NW Victory Boulevard and NW Cherry Avenue. Exhibits: **Resolution No. 11-40** and Traffic Commission Minutes and Traffic Issue Request.

25. Consider awarding a professional services contract to Dr. Haney for the purpose of providing veterinarian services for the City of Lawton and authorize the Mayor and City Clerk to execute the contract. Exhibits: Retainer Agreement for Professional Services (On file with the City Clerk).

26. Consider approving agreements for euthanization services with the following entities, and authorize the Mayor and City Clerk to execute the Agreements: City of Grandfield and Town of Medicine Park. Exhibits: Agreements (On file with the City Clerk).

27. Consider approving agreements for refuse disposal with the following entities, and authorize the Mayor and City Clerk to execute the Agreements: Town of Indianahoma, Multiple Community Services Authority and Town of Temple. Exhibits: Agreements (On file with the City Clerk).

28. Consider approving the Proposed Cooperative Program and Memorandum Agreement between the Oklahoma Water Resources Board, the U.S. Geological Survey and the City of Lawton and authorizing the Mayor and City Clerk to execute the agreement. Exhibits: Proposed Cooperative Program and Memorandum Agreement (on file with the City Clerk).

29. Consider accepting the proposal to retain Lincoln Financial Group as the City's life insurance provider.

Exhibits: Copy of proposal summary from Higginbotham & Associates.

30. Consider awarding the contract for the City's property insurance to North American Insurance Agency for renewal of the policy underwritten by the Chubb Insurance Group. Exhibits: Proposal summary from Candy Brown, Safety & Risk Officer and Vendor Sheet.

Wells stated they are talking about \$264,000 but there is only \$226,000 in the account.

Jim Russell, Human Resources Director, stated that is a typographical error. According to the proposed budget \$275,962 is in the account.

MOVED by Wells, SECOND by Zarle to award the contract for the City's property insurance to North American Insurance Agency for renewal of the policy underwritten by the Chubb Insurance Group. AYE: Burk, Givens, Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall. NAY: None. MOTION CARRIED.

31. Consider awarding the contract for the City's workers' compensation administrative services to United Safety & Claims, Inc. Exhibits: Proposal summary from Candy Brown, Safety & Risk Officer.

32. Consider awarding contract (CL11-027) Nomex Uniforms Item 1 (Pants) to Casco Industries Inc of Oklahoma City, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.

33. Consider awarding contract (CL11-027) Nomex Uniforms Item 2 (Shirts) to Wayest Safety, Inc of Oklahoma City, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.

34. Consider awarding contract (CL11-031) Rock Hauling to AE Construction of Lawton, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.

35. Consider awarding contract (CL11-030) Laser Alignment Tool to Ludeca, Inc., of Doral, FL. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.

36. Consider awarding contract (CL11-029) Lawton Arts & Humanities Entertainment Magazine to Peregrine Corporation of Lawton, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.

37. Consider awarding contract (CL11-032) Fire Hydrants to Oklahoma Contractors Supply of Oklahoma City, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.

38. Consider awarding contract (CL11-033) Traffic Signal Poles & Arms to Valmont Industries, Inc., of Valley, NE. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.

39. Consider awarding contract (CL11-026) Alternate Daily Cover (ADC) to Landfill Services Corporation of Apalachin, NY. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.

40. Consider approving appointments to boards and commissions. Exhibits: None.

Arts and Humanities Council

Patrick Reynolds
3701 SW 11th Street
Lawton Oklahoma 73501
06/30/2014

Mayor's Commission On The Status Of Women

Heather Clement Patricia Hale
Ward 6 Eastern District County
1039 Thornbury 11597 NE Mt View Road
Lawton Oklahoma 73505 Elgin, Oklahoma 73538
06/14/13 Unexpired Term 07/19/12

Museum of the Great Plains Authority

Janice Drewry Bell Carolyn Anne Love
Museum Board Museum Board
246 NW Paint Road 3607 NW Arlington Avenue
Cache, Oklahoma 73527 Lawton, Oklahoma 73505
06/30/2014 06/30/2014

Ernest Godlove Brady Wyatt

Institute McMahon Foundation
726 NW 46th Street 5221 NW Cache Road
Lawton Oklahoma 73505 Lawton, Oklahoma 73505
06/30/14 06/30/14

Diane Mullins
Council
716 NW 46th Street
Lawton Oklahoma 73505
06/30/14

41. Consider approval of payroll for the periods of May 16 June 12, 2011.

NEW BUSINESS ITEMS:

42. Consider reviewing and approving the City of Lawton Fiscal Year 2011-2012 budget and approving a resolution adopting the FY 2011-2012 City of Lawton budget. Exhibits: Resolution No. 11 ____.

Mitchell stated the preliminary budget was presented to the council on May 10, 2011 and there have been a series of workshops in late May and early June along with a public hearing on May 24, 2011. Several adjustments have been made and this item reflects those changes. He stated there are two separate lines for hotel/motel which totals \$1.6 million. Those lines include the projected carry over number of \$312,000. He stated on June 28th the agenda will include the resolution on how those funds are allocated. This resolution sets out the appropriation amounts. Total resources for next year are estimated to be \$150,374,000 with appropriations of \$147,387,000. Included in that number is \$56,000 for sinking fund debt service, CIP and GO bond financing. That is the difference between what is on the agenda tonight and what was in the preliminary budget.

MOVED by Burk SECOND by Givens, to adopt **Resolution 11-41** adopting the FY 2011-2012 City of Lawton budget. AYE: Givens, Haywood, Shoemate, Bellino-Hall, Burk. NAY: Zarle, Wells, Tennis. MOTION CARRIED.

43. Hold a public hearing and consider an ordinance changing the zoning from C-3 (Planned Community Shopping Center District) to C-1 (Local Commercial District) zoning classification located south of East Gore Boulevard, east of SE 45th Street. Exhibits: Ordinance No. 11-____, Site Plan, Location Map, Application and CPC Minutes.

Rogalski stated this request is for 7.96 acres located south and east of the convenience store at the southeast corner of SE 45th Street and East Gore Boulevard. The applicant and property owner is Eastern Hills Development of Lawton. The proposed uses are multiple-family apartments on 3.17 acres and senior independent living apartments on 3.69 acres. The units would be for low to moderate income persons. The proposed uses are not permitted in the C-3 district but are permitted uses in C-1. The zoning of the surrounding area is C-2 (Planned Neighborhood Shopping Center District) to the north, P-F (Public Facilities District) to the south, R-1 (Single-Family Dwelling District) to the east, and C-3 to the west. The land use of the surrounding area is vacant to the north and west, church and fire station to the south, and single-family residential to the east. The 2030 Land Use Plan designates this area as Commercial. The FY 2010-2014 Consolidated Action Plan lists affordable rental housing for low and moderate income persons as a high priority. On January 11, 2011, the City Council adopted a resolution of support for two Oklahoma Affordable Housing Tax Credit applications to the Oklahoma Housing Finance Agency for the proposed projects. On May 12, 2011, the City Planning Commission held a public hearing on this request. During the public hearing three persons spoke against the request, a letter against the request was read, and one person spoke in favor of the request. The CPC, by a vote of 5 1, recommended denial of the request. Some of the concerns voiced by the CPC included the height of the apartment complexes (three stories) adjacent to single-family residential, property values of adjacent single-family residential, and maintenance of the apartments. Notice of public hearing was mailed on May 24, 2011, to 39 property owners within 300 feet of the requested area, and proper notice was published in *The Lawton Constitution* on May 29, 2011.

Burk questioned if it was the planning theory to separate single family/residential and commercial by this type of project.

Rogalski stated typical planning would say that this was a down zoning. You have single family/residential and commercial on the corner. An R-3 zone would be considered a suitable buffer between the two. The current zoning of C-3 is an intensive zoning and this proposed rezoning would be less intense.

PUBLIC HEARING OPENED.

Terry Anderson, 113 SE Tattershall Way, stated many of the people who live on the east side moved there because

it was peaceful and quiet. He stated this will be a three story building directly across from single story single family housing and they don't feel this is a correct fit. The 2003 land use plan stated that housing mixes should be appropriately located, appropriately scaled and designed. Three story apartments are not appropriately designed to be next to one story single family dwellings. He stated these people are from Nebraska and are not citizens of Lawton. He stated these buildings will block their view of the schools, neighborhood and hills of Lawton. He stated they are not opposed to affordable housing coming to Lawton on east side. There are plenty of areas on the east side that are not up against a neighborhood. They believe that this type of housing will not be an asset to their community in that location. They knew when they bought the property there would be the possibility of commercial development but they thought they were protected from apartment buildings. He requested they reject this project on this location.

Lorna Thompson, 4822 SE Tattershall Way, stated her main concern is the resident/tenant control. In the neighborhood meeting last night they were assured by Ms. Lucas that only those whose names on the lease would be the only ones to live in the apartments. She stated it may not remain that way because of circumstances and a family of three may become a family of five or six. Their circumstances may seem temporary, but sometimes they don't and then you have an uncontrolled amount of people who are living in a small space. There is also the potential of people just hanging around and that can translate into a higher crime rate. Thefts and shootings commonly occur in some of the low/moderate income complexes across this city. They moved to the east side of town so they could enjoy the low crime rate. They are not against low/moderate income families, that is what they are, but they feel they deserve to be able to drive into their neighborhood and live safely. She requested they follow the recommendation of the CPC and deny the rezoning.

Haywood stated that crime can be anywhere and it does not have to come from low/moderate income areas.

Ms. Thompson stated that crime can be anywhere, but part of her job is to visit families that are in need of the services that her program provides. Everyone deserves to live in a safe place whether you are low or high income. When she travels there are some low/moderate income apartment complexes that they are not allowed to enter because of the high incident of crime. She works with this every day and she would like to be able to come home every day and not have to worry about it.

Haywood stated there is section 8 housing in their neighborhood.

Ms. Thompson stated in their area of town it is dispersed and not in one centralized location. That is their issue. They are not against low income families or against families having safe housing. They want to be able to keep their neighborhood safe.

Rick Flores, 4926 SE Randolph, stated he never received the petition so he is sure the number of signatures would have been higher. He stated the land is zoned for commercial use. He questioned if there was a shortage of land zoned for apartments. Why does it need to be there? He questioned why they are in such a hurry to build low income/section 8 housing. He would rather see this community use resources to get businesses to come in and generate revenue and make this a model city. He stated he knows growth will come to the east side, but they need to bring the right things this way.

Jessie Sorrell, 133 SE Tattershall Way, stated it looks like 100% of the residents within 300 feet signed that petition. He stated SE 45th is supposed to be expanded in the future and it concerns him. Six to eight years down the road his daughter will be walking to school and there will be much more traffic.

Calvin Robinson, 104 NE 48th Street, stated they have a peaceful neighborhood. His mother lives in a senior citizen community. He stated the neighbors look out for each other and they keep their neighborhood beautiful.

Wayne Wilson, 4905 SE Randolph, stated if they change the zoning from C-3 to C-1, what is there to stop someone down the road from changing a commercial property to something that is residential. Then there will not be enough property for commercial businesses to come in. He stated if there were more people living in that area that would put a burden on the sewer system.

Bobbi Lucas, Cornerstone Associates, presented slides of the proposed development. She stated 43% of the total housing in Lawton was built prior to 1970. Of that 18% was built prior to 1940. She stated there has not been a large increase in housing. She stated they noticed that there was substandard housing. They are proposing two multi-family developments on the southeast corner of E. Gore and 45th Street. The development would be a 48 unit family development of which 24 two bedroom homes and 24 three bedroom homes. In addition there would be a 48 unit senior development, 18 one bedroom and 30 two bedroom homes. The 24 two bedroom homes would rent for \$465 - \$581, the three bedroom would rent for \$535 - \$669. Amenities include on site management maintenance and club house. They offer playground with outdoor covered seating and 24 garages. With the senior development, rents range from \$390 - \$487 for one bedroom and \$465 - \$581 for two bedrooms. Amenities are on site management maintenance, large common and social areas, library and large dining area. This also provides 24 garages and ample off street parking. She stated they will provide washer and dryers for each unit. The senior development also has secured access entry. She stated this

is not Section 8 or HUD housing. This is Section 42 which is an IRS tax credit program which allows developers the opportunity to raise capital to help reduce the debt, substantially reduce the mortgage which allows them to set the rents at a more affordable level for the tenants. The program is run by the IRS and is monitored by HUD as well as the State of Oklahoma (OHFA). The area median income (AMI) for Lawton is \$51,900 and the tenants that they want to target are at 50% and 60% of that area median income. With a four person household, they can earn up to \$25,950 at 50% of the AMI or \$31,140 at 60% of the AMI. They are trying to target hard working families. As far as seniors, most are retired and living off of pensions, retirement accounts or social security and they have very limited earned income. During the selection process they must fill out an application and they verify any income and assets they have. The applicant goes through a credit check, background check and previous landlord check. The proposed site is currently C-3 zoning which allows for commercial development and these can be built 25 feet from the property line and have no height restrictions. The multi family development they are proposing is not within a 25 feet property line. She stated the city will also receive revenue from these developments through building permits, impact fees, water meters, etc. She stated some recommended changes they would like to offer are a rezoning to C-1 with the change that the building that is closest to the neighbors be reduced to a two-story building and move that building farther west 25 feet. She is asking that the council consider the rezoning with the following changes of two story on building closest to the property line in addition to getting that no less than 100 feet from their property lines.

Tenis questioned if this would have to go back to the CPC.

Rogalski stated no, the council makes the final decision. The rules for the public hearing are they cannot make a change for the worse, but they can change for the better.

Bellino-Hall questioned if there was a tax relieve for the developer.

Ms. Lucas stated she has no benefit to receiving tax credits. The tax credits are of no use to the developer. She stated she is making an application to the Oklahoma Housing Finance Agency (OHFA) for \$750,000 in tax credits over a period of ten years. Since her company is not large enough to utilize \$750,000 worth of tax credits on an annual basis, she sells them. She takes them to an investor who purchases them for so many pennies on the dollar. She gets cash in the form of equity and she is left with a small gap where she may end up with a mortgage of less than \$1 million on a \$7 million project. That is how she is able to reduce those rents to an affordable level.

Bellino-Hall questioned how long she was locked into these restrictions.

Ms. Lucas stated they commit to a minimum period of 45 years that this project has to remain section 42. She signs a land use restriction agreement which governs the use of the land for 45 years. If the building burns down, nothing can be put back on that land that is not affordable, it has to remain section 42 for 45 years.

Zarle questioned the square footage of the units.

Ms. Lucas stated one bedrooms are 750 sq. ft, two bedrooms are 880 sq. ft., and three bedrooms are 1,080.

Bellino-Hall stated she visited with Mr. Richards for an hour or more and tried to understand the project. She stated we do need senior citizen housing. She also visited with some of the neighbors. She stated that they need this project, but they do not need it in this location. She believes in neighborhoods and they need to be a peaceful place.

Haywood stated he admires the residents for coming to the meeting and everyone has to look out for one another.

Bellino-Hall stated they need this development.

PUBLIC HEARING CLOSED.

Burk stated they do need this type of project and he supports a lot of the things the Richards have done in east Lawton. They need the project, but he just cannot support it there.

Shoemate stated it seems that every time something like this comes up, no one wants it. If this community is going to grow, they are going to have to accept some of these things.

MOVED by Burk SECOND by Zarle, to deny. AYE: Shoemate, Bellino-Hall, Burk, Givens, Zarle, Haywood. NAY: Tennis, Wells. MOTION CARRIED.

The Mayor and Council recessed at 7:43 p.m. and reconvened in regular, open session at 7:57 p.m. Roll call reflected all members present.

44. Hold a public hearing and adopt resolutions declaring the structures located at 707 S.W. 13th Street, 906 S.W. 4th Street, 1126 N.W. Laird Blvd., 1210 S.W. F Avenue, 1818 S.W. Monroe Avenue, 1907 S.W. D Avenue, 1908 S.W.

McKinley Avenue, to be dilapidated, detrimental to the health, safety or welfare of the general public and community, a blighting influence, and a public nuisance; directing the owners to abate the nuisance by obtaining a remodel or demolition permit within thirty (30) days; authorizing summary abatement of the nuisance should the owners fail to abate the nuisance; and alternatively authorizing the City Attorney to commence legal action in district court to abate the nuisance if summary abatement is not economically practical. Exhibits: Seven Resolutions. Summary documents with supporting photos, reports from the Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services.

707 S.W. 13th Street

Anthony Griffith, Neighborhood Services Supervisor, reported the numerous violations of city code existing on the property as documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since June 2007. Griffith presented photographs of the property.

Bellino-Hall questioned why the city has not dealt with this sooner.

Griffith stated it is because of lack of resources. He stated there are approximately 1,000 buildings in this city that would qualify as dilapidated structures.

Mitchell stated over the past four years they have taken down 350-400 structures.

Griffith stated they have influenced and taken down in excess of 600 structures over the past 5 years.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Givens SECOND by Haywood, to adopt **Resolution 11-42** declaring the Structure located at 707 S.W. 13th Street to be a dilapidated public nuisance. AYE: Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Givens, Zarle. NAY: None. ABSENT: Burk. MOTION CARRIED.

906 S.W. 4th Street

Griffith reported the numerous violations of city code existing on the property as documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since 1997. Griffith presented photographs of the property.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood SECOND by Wells, to adopt **Resolution 11-43** declaring the Structure located at 906 S.W. 4th Street to be a dilapidated public nuisance. AYE: Wells, Shoemate, Tennis, Bellino-Hall, Givens, Zarle, Haywood. NAY: None. ABSENT: Burk. MOTION CARRIED.

1126 N.W Laird Blvd

Griffith reported the numerous violations of city code existing on the property as documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since June 2010. Griffith presented photographs of the property.

PUBLIC HEARING OPENED.

Nicholas Alexander, 1102 NW 73rd Street, stated he is representing his mother. He requested additional time to repair the structure.

Tennis stated it seems that no one gets motivated until they get a letter from the city. He questioned Mr. Alexander's time line.

Mr. Alexander stated he will acquire the permit to bring this property up to code.

Wells stated if the council approves this resolution, Mr. Alexander will have the option to get the permit and as long as he is showing progress, staff will work with him.

Mr. Alexander stated he has gotten estimates and he believes this property will be up to code in sixty days.

Jensen stated Mr. Alexander will have time to remodel if he is making progress.

PUBLIC HEARING CLOSED.

MOVED by Tennis SECOND by Shoemate, to adopt **Resolution 11-44** declaring the Structure located at 1126 N.W Laird Blvd to be a dilapidated public nuisance. AYE: Shoemate, Tennis, Bellino-Hall, Givens, Zarle, Haywood, Wells. NAY: None. ABSENT: Burk. MOTION CARRIED.

1210 S.W. F Avenue

Griffith reported the numerous violations of city code existing on the property as documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since March 2007. Griffith presented photographs of the property.

Shoemate stated he has turned in this property many times and he was told that it was owned by the railroad. He questioned how they got around it this time.

Griffith stated they have tried to work directly with the railroad and they have not responded. They are trying a new approach and trying to force their hands.

Haywood stated the person who was leasing this property has passed away.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Givens SECOND by Wells, to adopt **Resolution 11-45** declaring the Structure located at 1210 S.W. F Avenue to be a dilapidated public nuisance. AYE: Tennis, Bellino-Hall, Givens, Zarle, Haywood, Wells, Shoemate. NAY: None. ABSENT: Burk. MOTION CARRIED.

1818 S.W. Monroe Avenue

Griffith reported the numerous violations of city code existing on the property as documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since April 2009. Griffith presented photographs of the property.

PUBLIC HEARING OPENED.

Krystal Wear, 301 H Avenue, stated she wants to tear down the property but she cannot afford to at this time.

Wells stated if Ms. Wear could find a way to tear it down she could get a reduction at the landfill.

Haywood stated she may be able to get some assistance with housing/community development division.

Griffith stated if the council declares the property dilapidated, Ms. Wear would not be entitled to reduced tipping fees. He does not believe there are funds available in housing/community development for this type demolition.

PUBLIC HEARING CLOSED.

MOVED by Haywood SECOND by Givens, to adopt **Resolution 11-46** declaring the Structure located at 1818 S.W. Monroe Avenue to be a dilapidated public nuisance. AYE: Bellino-Hall, Givens, Zarle, Haywood, Wells, Shoemate, Tennis. NAY: None. ABSENT: Burk. MOTION CARRIED.

1907 S.W. D Avenue

Griffith stated this property was brought before the council on December 14, 2010 and was declared dilapidated by the City Council. Because of a possible error in the notice to the title holder, and under the advice of the City Attorney s Office, he is bringing this back before the council. He stated staff sent out the notice to a corporation listed as the legal title holder. The title holder, Mr. Dan Brown, has challenged us in court saying he is the title holder. Instead of going through the court system, they just served both, the official title holder listed at the Comanche County Treasurer s Office and also Mr. Brown. He reported the numerous violations of city code existing on the property as documented on the Property Maintenance Evaluation Sheet. Griffith presented photographs of the property.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Givens SECOND by Haywood, to adopt **Resolution 11-47** declaring the

Structure located at 1907 SW D Avenue to be a dilapidated public nuisance. AYE: Burk, Givens, Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall. NAY: None. MOTION CARRIED.

1908 S.W McKinley Avenue

Griffith reported the numerous violations of city code existing on the property as documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since October 2008. Griffith presented photographs of the property.

Haywood stated this trailer has been used as a drug house and it needs to be torn down.

PUBLIC HEARING OPENED.

Shandra Johnson, 2302 NW 38th Street, stated she inherited this property and she had done everything she can to keep people from breaking in. She did not know the proper channel to go through to tear it down. She has a potential buyer.

PUBLIC HEARING CLOSED.

MOVED by Haywood SECOND by Shoemate, to adopt **Resolution 11-48** declaring the Structure located at 1908 S.W McKinley Avenue to be a dilapidated public nuisance. AYE: Givens, Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk. NAY: None. MOTION CARRIED.

45. Hold a public hearing and consider an ordinance closing the north 5 feet of the 20-foot alley in Block 4, McClung Addition. Exhibits: Ordinance No. 11-___, Application, Location Map and Council Policy 5-1.

Rogalski stated on May 10, 2011, the City Council set the date of June 14, 2011 to hold a public hearing and consider an ordinance closing the north 5 feet of the 20-foot alley in Block 4, McClung Addition which is located at the southeast corner of SW 9th Street and Lee Boulevard. The request is to close the north 5 feet of the 20-foot alley which runs east and west. The alley is approximately 200 feet in length from SW 9th Street until it intersects with another alley which runs north and south in this block. The applicant, GBT Realty Corporation, wants to construct a Dollar General store and needs more land to accommodate the size of the building and associated required parking. The applicant intends to petition district court to vacate this portion of the alley if the City Council approves this ordinance. The purpose of the request is simply to add more land for development of a Dollar General store. It is Staff's opinion that this request does not meet the criteria of Council Policy 5-1, Policy on Closing Public Ways or Easements. The subject property measures 140 feet by 200 feet, which is a sufficient size to accommodate a smaller building footprint. Notice of public hearing was mailed on May 13, 2011, to property owners within 300 feet of the requested area and to the private utility companies, and a notice of public hearing was published in *The Lawton Constitution* on May 29, 2011.

Tennis stated this is not the first time they have done this.

Rogalski stated there are two ways they approve closings, one is when the applicant owns both sides and they want to develop the whole thing so they close the alley. The other way is when someone accidentally builds too close or on top of the alley. In this case the development just doesn't fit and they want to close the five feet.

Haywood stated he walked around and talked with the neighbors. He stated on the west side of the Church of Christ is an alley. At some point they need to vacate that particular alley because church elders feel that someone is going to hit their air conditioner trying to get to Dollar General. Church members do not have a problem with closing the alley.

Wells questioned if there were any utilities in that five feet.

Rogalski stated the proposal is to close and vacate the five feet and then give it back as a public utility easement. We would never lose the utility of the alley. There are power poles on the south side of the alley. He stated the other utility companies have received notice and he has not heard anything from them.

Wells questioned if they could put in a restriction to say that if something has to be dug up and there is damage, the City has no responsibility.

Rogalski stated the city does not have any utilities that close, so the city will not be responsible. He stated he does not know where the other utility lines are and if they are close that could be an issue.

Jensen stated the other utilities had the right to be here tonight and object.

PUBLIC HEARING OPENED.

Gary Walker, Cornerstone Regional Surveying, stated he is representing GBT. He stated utilities were located when this was surveyed and there are no underground utilities in that five feet. He stated when GBT first looked at this site they were asked to do a boundary survey to see if it was big enough for a store because there was not a foot to spare. As they went further in the process they discovered the five foot rear yard setback. He stated they have done approximately 90 Dollar General Stores in the past three years and Lawton is unique in that there is no variance procedure for setbacks. The only way to accomplish the five foot setback was to vacate five feet of the alley and give it back as a utility easement.

PUBLIC HEARING CLOSED.

Haywood questioned why staff has recommended the council deny the request.

Jensen stated because of the way the council policy reads, staff has recommended to deny the request. It is up to the council to decide.

MOVED by Haywood, SECOND by Zarle to adopt **Ordinance 11-19** waive the reading of the ordinance, read the title only. AYE: Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk, Givens. NAY: None. MOTION CARRIED

(Title read by City Attorney) Ordinance 11-19

An ordinance closing a portion of the alley adjacent to lots 1 through 8, block 4, McClung Addition located south of SW Lee Boulevard, east of SW 9th Street, more particularly described in section one hereof.

46. Consider an ordinance amending Section 22-1-2-114, Division 22-1-2, Article 22-1, Chapter 22, and a companion resolution for the purpose of imposing the \$2.50 increase in the surcharge for the Lake Waurika assessment, approved by the Lawton Water Authority and implemented by the City on June 8, 2010, on the submeters of water associations and wholesale customers outside the City limits who do not have the submeters on their master meter accounts read and maintained by the City, as approved by the Lawton Water Authority. Exhibits: Ordinance No. 11-____, Resolution No. 11-____, Exhibit A - Section 22-112, Article A-22-1, Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005.

Jensen stated they need to vote separately on the ordinance and resolution.

MOVED by Burk, SECOND by Tennis to adopt **Ordinance 11-20**, waive the reading of the ordinance, read the title only and establishing an effective date. AYE: Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk, Givens, Zarle. NAY: None. MOTION CARRIED

(Title read by City Attorney) Ordinance 11-20

An ordinance amending Section 22-1-2-114, Division 22-1-2, Article 22-1, Chapter 22, Lawton City Code, 2005, by adding the phrase monthly charges, contained in Section 22-1-2-111 (inside customers) and Section 22-1-2-112 (outside retail customers), to the amounts paid by outside wholesale water customers, providing for severability and establishing an effective date.

MOVED by Givens, SECOND by Wells to adopt **Resolution 11-49** waive the reading of the ordinance, read the title only and establishing an effective date. AYE: Wells, Shoemate, Tennis, Bellino-Hall, Burk, Givens, Zarle, Haywood. NAY: None. MOTION CARRIED

47. Consider approving an Ordinance amending Sections 12-1-126, pertaining to Chapter 12, Food and Food Establishments, regarding seasonal snow cone establishments. Exhibits: Ordinance 11-____.

Doug Wellhouse, Code Plans Supervisor, stated upon review of the city code it was discovered that there were several discrepancies in the code and three were taken care of in the consent agenda. The existing ordinance states that there is a charge of \$15 for a six month temporary food service establishment permit for snow cone stands, when actually in the fee schedule, everyone else pays \$75 for a temporary permit. This ordinance will make the \$75 permit fee a requirement for the snow cone stands.

Tennis clarified that it will cost \$75 to run a snow cone stand.

Wellhouse stated the permit is \$75 for any temporary food service.

MOVED by Haywood, SECOND by Givens to adopt **Ordinance 11-21**, waive the reading of the ordinance, read the title

only and declaring an emergency. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Givens, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED

(Title read by City Attorney)

Ordinance 11-21

An ordinance pertaining to seasonal snow cone establishments, amending Section 12-1-126, Article 12-1, Chapter 12 Lawton City Code, 2005, by, providing for severability and declaring an emergency.

48. Consider an ordinance amending Article 3, Chapter 22, Lawton City Code, 2005, pertaining to sewers, wastewater treatment, compliance and enforcement; incorporating the pretreatment streamlining rules and other recommended changes mandated by Oklahoma Department of Environmental Quality, establishing new and updated technically based local limits, and clarifying required reporting, modifying surcharge levels, clarifying and correcting certain code provisions, providing for codification, severability, and establishing an effective date. Exhibits: Ordinance 2011-____.

MOVED by Haywood, SECOND by Burk to adopt **Ordinance 11-22**, waive the reading of the ordinance, read the title only and establishing an effective date. AYE: Tennis, Bellino-Hall, Burk, Givens, Zarle, Haywood, Wells, Shoemate. NAY: None. MOTION CARRIED

(Title read by City Attorney)

Ordinance 11-22

An ordinance relating to public health, amending, updating and revising Article 3, Chapter 22, Lawton City Code, 2005, on sewers, wastewater treatment, compliance and enforcement; incorporating the pretreatment streamlining rules and other recommended changes mandated by Oklahoma Department of Environmental Quality, establishing new and updated technically based local limits, clarifying required reporting, modifying surcharge levels, clarifying and correcting certain code provisions, providing for codification, severability, and establishing an effective date.

49. Consider approving a Resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, pertaining to Chapter 22, incorporating modified surcharge levels in the Industrial Pretreatment Wastewater Discharge Code and general clarification. Exhibits: Resolution No. 11-____.

Jerry Ihler, Public Works Director, stated this resolution just incorporates the changes that were approved in the previous item into the fee schedule.

MOVED by Haywood, SECOND by Shoemate to adopt **Resolution 11-50**. AYE: Bellino-Hall, Burk, Givens, Zarle, Haywood, Wells, Shoemate, Tennis. NAY: None. MOTION CARRIED

50. Consider adopting an ordinance amending Sections 17-3-4-332, 339, 343, 345, and creating Section 357, Division 17-3-4, Article 17-3, Chapter 17, Lawton City Code, 2005, by amending the personnel policies and procedures affecting the City of Lawton retirement plan, providing for severability and establishing an effective date. Exhibits: Ordinance 11-____.

Tim Wilson, Deputy City Attorney, stated this ordinance deals with our retirement system. Periodically we are required to submit our retirement plan to the IRS for review to guarantee compliance with the IRS codes so that we can maintain our tax advantage for government retirement plans. The pension attorney submitted our plan to the IRS several months ago and we received a determination letter from the IRS saying our plan complied with their requirements. This ordinance needs to be approved within 90 days of receiving that letter. This amendment will become effective August 1, 2011. The pension board voted unanimously to recommend to the council that this ordinance be adopted.

MOVED by Wells, SECOND by Haywood to adopt **Ordinance 11-23**, waive the reading of the ordinance, read the title only and establishing an effective date. AYE: Burk, Givens, Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall. NAY: None. MOTION CARRIED

(Title read by City Attorney)

Ordinance 11-23

An ordinance pertaining to personnel policies and procedures amending Sections 17-3-4-332, 339, 343, 355, and creating Section 357, Division 17-3-4, Article 17-3, Chapter 17, Lawton City Code, 2005, by amending the consolidation of existing system and preservation of rights; normal retirement benefits; restrictions on benefits to conform to IRS requirements; future changes in the operation of the retirement system; creating a section on reversions, providing for severability and declaring an effective date.

51. Consider an ordinance creating Sections 7-32-1-3201 through 7-32-1-3204, Division 7-32-1, Article 7-32, Chapter 7, Lawton City Code, 2005, relating to regulating scrap metal dealers, providing for severability, codification, and declaring an emergency. Exhibits: Ordinance 11-____.

Chief Ronnie Smith, Lawton Police Department, stated this ordinance will mirror state law. He stated they have been dealing with a lot of copper and metal thefts and this would give them more control.

MOVED by Wells. SECOND by Haywood to adopt **Ordinance 11-24**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Givens, Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk. NAY: None. MOTION CARRIED

(Title read by City Attorney)

Ordinance 11-24

An ordinance pertaining to business creating Sections 7-32-1-3201 through 3204, Division 7-32-1, Article 7-32, Chapter 7, Lawton City Code, 2005, relating to regulating scrap metal dealers, providing for severability, codification, and declaring an emergency.

AUDIENCE PARTICIPATION: None

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Wells stated he has found out that staff has been ruling on a section of the city code one way for the past thirty years and suddenly someone read the code and decided they are misinterpreting it and they have changed the enforcement of that code. It has caused a couple of problems in his ward with regards to carports. He suggested they look at a council policy that says that if staff is going to change the way they have been doing things for twenty or thirty years the council should be informed. He is not sure how to handle this. He stated in the past, the rule being enforced was 11 6 from the curb and now staff is suddenly denying permits for a lot of residents. He feels that the council should be consulted about any changes.

Mayor Fitch questioned if this had anything to do with the state building codes.

Wells stated in 1980 there was a rule put in on how carport structures could be put up and it was being interpreted at 11 6 from the curb line. Now someone has read it and has a different interpretation that deals with plat size.

He stated when someone in his ward was denied, you can go down the street and see ten others that were approved.

Mitchell stated a lot of people don't have permits.

Burk stated the code is a lot of interpretation and that changes over time with staff, especially with someone in control of a department. That is one of the major complaints from trade people in the area.

Wells stated he is getting beat up over this issue.

Mitchell stated there are cases where council has made several changes to the same ordinance. He stated maybe a council policy is the best way to do this, or maybe they deal with this as complaints come up and then bring it back to the council.

Wells stated he does understand that these residents will be going before the Board of Adjustment.

Burk stated we make it too hard to do normal things like replacing a fence. We have major problems and he has made it know that he is not happy. The people who are trying to do the right thing are the ones we are beating up.

Wells suggested they establish a council committee to review these codes.

Givens stated he has built two carports and the carport rules are dumb.

Mayor Fitch suggested that Wells and Burk get together with staff to discuss the issue.

Bryan Long, Assistant City Manager, stated staff is not trying to create a barrier for the citizen, they are trying diligently to comply with what is in code so there is an equitable basis for everyone. He stated there have been staff changes that have created some confusion in interpretation.

Wells stated he is not picking on staff, he just feels the code can be improved.

Long stated the code is a working document and there will be misinterpretations.

Haywood stated the Juneteenth celebration will be on June 18th.

Mitchell announced that the lake levels have dropped to the point where we will be asking citizens to observe a

voluntary water conservation program. We will be pumping from Waurika Lake starting the first of the week.

The Mayor and Council convened in executive session at 9:09 p.m. and reconvened in regular, open session at 9:33 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

52. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2011-2012, between the American Federation of State, County and Municipal Employees (AFSCME) Local 3894, and, if necessary, take appropriate action in open session. Exhibits: None.

Mayor Fitch read the title of item #52.

MOVED by Shoemate, SECOND by Tennis to approve **Resolution 11-51** to cease recognizing AFSCME Local 3894 as the exclusive bargaining agent of the City's general employees effective November 1, 2011, directing city staff to cease collective bargaining with AFSCME on said date and directing city staff to prepare an ordinance to reconstitute the Employee Advisory Committee. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Wells. NAY: Givens, Zarle, Haywood. MOTION CARRIED.

53. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2011-2012 between the Police Union, IUPA Local 24, and the City of Lawton, and, if necessary, take appropriate action in open session. Exhibits: None.

Mayor Fitch read the title of item #53.

MOVED by Wells, SECOND by Tennis to adopt **Resolution 11-52** extending the provisions of the fiscal year 2010-2011 collective bargaining agreement between the City of Lawton and IUPA Local 24 for the period of July 1, 2011 through June 30, 2012 or until such time as the City and the Local 24 reach a contract agreement for fiscal year 2011-2012. AYE: Tennis, Bellino-Hall, Burk, Givens, Zarle, Haywood, Wells, Shoemate. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 9:36 p.m. upon motion, second and roll call vote.

/s/ Fred L. Fitch
FRED L. FITCH, MAYOR
ATTEST:

/s/ Traci L. Hushbeck
TRACI HUSHBECK, CITY CLERK